

FILED

FEB 19 2020

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK BRENT FLYING, SR.,

Defendant.

CR 19-30-BLG-SPW

ORDER

Upon the Court's Own Motion,

IT IS HEREBY ORDERED that sentencing currently scheduled for Thursday, May 21, 2020 at 9:30 a.m., is **VACATED** and reset to commence on **Friday, May 29, 2020 at 1:30 p.m.** in the James F. Battin U.S. Courthouse, Billings, Montana.

IT IS FURTHER ORDERED that,

1. The probation officer shall disclose the completed report, except for recommendations of the probation officer as follows: **two copies** to counsel for Defendant, and **one copy** to counsel for the government on or before **April 14, 2020**. The probation officer shall not disclose any recommendation made or to be

made to the Court.

2. If restitution is mandatory, the probation officer shall discuss a payment plan with Defendant and shall make recommendations to the Court concerning interest and a payment schedule.

3. Counsel shall attempt in good faith to resolve disputes over any material in the presentence report. Unresolved objections to be relied upon at sentencing shall be presented to the probation officer on or before **April 24, 2020**. U.S.S.G. § 6A1.2. **Any unresolved objections are expected to be included in the pre-sentence report, not in a sentencing memorandum.**

4. The presentence report, in final form, including any unresolved objections, shall be delivered to the Court and the parties on or before **May 8, 2020**.

5. Sentencing memoranda and supporting documents addressing all relevant sentencing issues shall be filed on or before **May 15, 2020**. Absent good cause shown, sentencing memoranda and supporting documents filed after May 15, 2020 will not be considered in addressing sentencing issues. Failure to timely file sentencing memoranda may result in imposition of sanctions against counsel.

6. Responses to sentencing memoranda shall be filed on or before **May 22, 2020**.

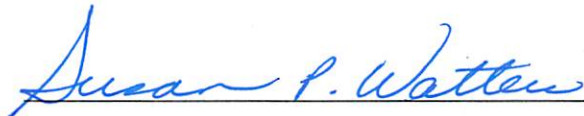
7. Reply briefs will not be accepted for filing in sentencing matters.

8. The Court will resolve objections included in the Addendum to the presentence report at the sentencing hearing in accordance with U.S.S.G. § 6A1.3.

9. All parties that intend to have witnesses testify at sentencing shall give notice to this Court ten (10) days prior to the sentencing date.

The Clerk shall forthwith notify the parties of the making of this Order.

DATED this 19th day of February, 2020.



SUSAN P. WATTERS
U.S. DISTRICT JUDGE